STATE OF NEW-YORK.

No. 191.

IN ASSEMBLY,

April 12, 1848.

REPORT

Of the Minority of the Select Committee on the subject of Capital Punishment.

Mr. Underhill, from the minority of the select committee to which was referred the subject of the abolition of capital punishment,

REPORTS:

That, finding themselves, as the advocates of the abolition of capital punishment, to be in the minority of the committee; and knowing that in the similar committees which, for many successive years, have been appointed in the House of Assembly, the majority always have been of like opinion with themselves, and have, in several instances, introduced *original* reports, setting forth in an elaborate—accurate—and solemn manner the historical attestations, the favorable statistics, the logical conclusions, and the scripture arguments, by which, it is claimed, the propriety of the abolition of capital punishment is proved—they, the present minority, determined, under these circumstances, not to make a report; but they expected, as views on this solemn subject, in opposition to their own were seriously entertained and earnestly expressed by the majority of their colleagues on the committee, that the favorable opportunity thus afforded of advocating that side of the question, in a majority report, would have been highly appreciated and improved by them to supply the omission of reports, which, with a single exception, has characterized

the action of the advocates of capital punishment in former committees of this House on that subject.

The minority of the committee, therefore, considering the arguments on their side of the question to have been so frequently and elaborately stated in former *majority reports*, and now occupying a conspicuous space in the archives of our Legislature, felt that they could place with propriety, on the present occasion, the "onus probandi" upon their opponents—and it was supposed that they would avail themselves promptly of the peculiar advantage they now possessed, as a majority, to produce an additional amount of argument, or at least, an *original* report on their side of the question. In this reasonable expectation the minority have been entirely disappointed; and they cannot suppress an expression of surprise at the form and character of the document which has been introduced as a *majority report at this time.*

The privilege of rummaging the published documents of a previous legislature, and abstracting therefrom an old *minority* report to be converted, by the process of transposition, into a *majority* report for a new occasion, is, in the opinion of the undersigned, a system of parliamentary algebra heretofore unknown in the usage of this House. The majority of the committee, without doubt, have become convinced of the utility of this ingenious formula, and are prepared to defend the propriety of its use on the present occasion. The minority, however, without joining issue, at this time, on these points, deny that the process of transposition, in the given case, results in any increase or change of the "previous quantity or quality" of the argument, notwithstanding the change of the "prefixed signs" may be in strict conformity with the rules of the formula adopted. In fact, this consideration does not appear to have any weight on the minds of those who have used it.

So far as they produce anything original or additional in their own remarks, it is embraced in mere assumptions, sweeping generalities, and taunting reflections; all which illy conform to that part of their *written* report when they declare, "the majority of your committee trust that they have approached the subject with a solemn sense of its importance, not only in the estimation that should be set on the life of man, but upon the duties and obligations that man owes to society." Without stopping to enquire how they can reconcile the grave and proper tone of that sentence with the summary and taunting manner in which they immediately proceed, by the process of transposi-

tion, to convert a minority report into a majority one, the minority of the present committee must be allowed to express their admiration of the amiable simplicity with which the majority, soon after the utterance of that solemn and dignified sentence, declare of themselves, "*your committee have neither the ability, the time, nor the inclination to discuss this prolific subject.*" The minority little expected to find such entire artlessness thus exhibited, associated with so much ingenuity as is manifested by the majority in their new formula for the production of a majority report.

Without subscribing to the correctness of their new formula, or to the propriety of its use for the purpose of introducing old reports, and without being willing to admit that *they* "have neither the ability, the time, nor the inclination to discuss this prolific subject," the minority of the committee, under the peculiar circumstances in which they are placed by the action of the majority, feel themselves constrained to "*represent*" a report made in the Assembly May 4, 1846, (No. 213) which was at that time a majority report, as in connection with that which has now been "represented" by the majority of the present committee of this House.

The minority have long hesitated to imitate the majority in this particular, but feel, upon mature deliberation, that justice to the cause of the abolition of capital punishment, and fair dealing towards the majority of the committee of 1846, requires that an equal number of copies of their report should be ordered printed, as has been printed of the adverse report by the order of this House. They, however, decline introducing any bill for the consideration of the House, as one is at this time pending in the Senate, which provides for the total abolition of capital punishment.

R. M. UNDERHILL,
P. H. TITUS.